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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,471	03/01/2004	Ulrich Sinn	Q79183	7558
23373 7590 07/13/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER HUANG, WEN WU	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 07/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/788,471

Applicant(s)

SINN, ULRICH

Examiner

Wen W. Huang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-15 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 14 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Amended claims 1, 14 and 15 recite limitation "the second radio link continuously transmits the information data". However, the Examiner cannot find any support for such teaching.

Claims 1, 14 and 15 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the first radio link to transmit the information data periodically (see fig. 4, axis 13 and para. [022] of the instant application) until the new information data is available (see para. [012] of the specification of the instant application), does not reasonably provide enablement for the first radio link to continuously transmit the information data. The specification does not enable any

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person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims.

The Examiner submits that while the specification of the instant application teaches the first radio link transmitting the duplicates of the information data until the new information data is available, the specification is silent to teaching continuous transmission of the information data. Furthermore, axis 13 of fig. 4 of the instant application teaches a periodical transmission of the information data. In the case where an ordinary artisan interprets "continuous" meaning "uninterrupted in time", the Examiner submits that the specification fails to teach and show how to make or use the claimed invention without undue experimentation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-4, 9-12, 14 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Litwin, Jr. et al. (US. 7,073,083 B2; hereinafter "Litwin")

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Regarding **claim 1**, Litwin teaches a method for transmitting information data between a mobile radio transmitter and a radio receiver of a machine or plant (see Litwin, fig. 1, devices 102), comprising:

providing a first radio link between the radio transmitter and the radio receiver for transmitting safety related information data (see Litwin, fig. 1, auxiliary channel 108, col. 2, lines 13-14 and col. 3, line 26, wireless modem); and

providing a second radio link between the radio transmitter and the radio receiver for transmitting non-safety related information data (see Litwin, fig. 1, data channel 106, col. 2, lines 11-12),

wherein the first radio link and the second radio link are two physical channels that contemporaneously and continuously transmit the information data in parallel (see Litwin, fig. 1, auxiliary channel and data channel, col. 2, lines 46-47 and 55-60; col. 5, lines 46-51).

Regarding **claim 2**, Litwin also teaches the method as claimed in claim 1, wherein the first and the second radio link are set up and operated concurrently (see Litwin, col. 2, lines 57-60).

Regarding **claim 3**, Litwin also teaches the method as claimed in claim 1, wherein the first radio link is operated with a maximum packet life (see Litwin, col. 3, lines 28-40).

Regarding **claim 4**, Litwin also teaches the method as claimed in claim 3, wherein the first radio link is operated synchronously with a maximum packet life (see Litwin, col. 3, lines 28-40).

Regarding **claim 9**, Litwin also teaches the method as claimed in claim 1, wherein the first and the second radio links are set up via a single radio system (see Litwin, col. 2, lines 58-60, common physical medium).

Regarding **claim 10**, Litwin also teaches the method as claimed in claim 1, wherein safety related information is transmitted via a SCO link of a radio system using a Bluetooth standard (see Litwin, col. 3, lines 28-40).

Regarding **claim 11**, Litwin also teaches the method as claimed in claim 1, wherein non-safety related information is transmitted via an ACL link of a radio system using a Bluetooth standard (see Litwin, col. 4, lines 1-13).

Regarding **claim 12**, Litwin also teaches the method as claimed in claim 11, wherein non-safety related information is transmitted via the ACL link of a radio system using the Bluetooth standard (see Litwin, col. 4, lines 1-13).

Regarding **claim 14**, Litwin teaches a radio transmitter configured to transmit data to a radio receiver (see Litwin, fig. 1, devices 102) of a machine or plant, comprising:

a first radio link for transmitting safety related information data (see Litwin, fig. 1, auxiliary channel 108, col. 2, lines 13-14 and col. 3, line 26, wireless modem); and

a second radio link for transmitting non-safety related information data (see Litwin, fig. 1, data channel 106, col. 2, lines 11-12),

wherein the first radio link and the second radio link are two physical channels that contemporaneously and continuously transmit the information data in parallel (see Litwin, fig. 1, auxiliary channel and data channel, col. 2, lines 46-47 and 55-60; col. 5, lines 46-51).

Regarding **claim 15**, Litwin teaches a radio receiver of a machine or plant, configured to receive data from a radio transmitter (see Litwin, fig. 1, devices 102), comprising:

a first radio link for receiving safety related information data (see Litwin, fig. 1, auxiliary channel 108, col. 2, lines 13-14 and col. 3, line 26, wireless modem); and

a second radio link for receiving non-safety related information (see Litwin, fig. 1, data channel 106, col. 2, lines 11-12),

wherein the first radio link and the second radio link are two physical channels that contemporaneously and continuously transmit the information data in parallel (see

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Litwin, fig. 1, auxiliary channel and data channel, col. 2, lines 46-47 and 55-60; col. 5, lines 46-51).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Litwin as applied to claim 1 above, and further in view of Kraus et al. (US. 6,893,395 B1; hereinafter "Kraus")

Regarding **claim 5**, Litwin teaches the method as claimed in claim 1.

Litwin is silent to teaching that further comprising using the first radio link to transmit duplicates of the safety related information. However, the claimed limitation is well known in the art as evidenced by Kraus.

In the same field of endeavor, Kraus teaches a method comprising using the first radio link to transmit duplicates of the safety related information (see Kraus, col. 4, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Litwin with the teaching of Kraus in order to increase the reliability of the transmission of the emergency/safety related information (see Kraus, col. 2, lines 53-55).

Regarding **claim 6**, the combination of Litwin and Kraus also teaches the method as claimed in claim 5, wherein a predefined number of the duplicates is transmitted (see Kraus, col. 4, lines 9-12).

Regarding **claim 7**, the combination of Litwin and Kraus also teaches the method as claimed in claim 5, wherein the duplicates of the safety related information are transmitted until new safety related information is available (see Kraus, col. 3, lines 46-56).

Regarding **claim 8**, the combination of Litwin and Kraus also teaches the method as claimed in claim 5, wherein the duplicates of the safety related information are transmitted until the transmitted information has been correctly received (see Kraus, col. 2, lines 48-56).

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Litwin as applied to claim 12 above, and further in view of Menard (US. 7,103,344 B2; hereinafter "Menard")

Regarding **claim 13**, Litwin also teaches the method as claimed in claim 12.

Litwin is silent to teaching that wherein information is transmitted via a single radio system using the Bluetooth standard. However, the claimed limitation is well known in the art as evidenced by Menard.

In the same field of endeavor, Menard teaches that wherein information is transmitted via a single radio system using the Bluetooth standard (see Menard, col. 6, lines 14-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Litwin with the teaching of Menard in order to allow sufficient range to conduct communications (see Menard, col. 7, lines 6-10).

Response to Arguments

Applicant's arguments with respect to claims 1, 14 and 15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen W. Huang whose telephone number is (571) 272-7852. The examiner can normally be reached on 10am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

wwh

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MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER